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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,702	09/23/2003	Keng-Chu Lin	24061.22	2195
42717 7590 09/11/2007 HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER GEBREMARIAM, SAMUEL A	
			ART UNIT 2811	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,702

Applicant(s)

LIN ET AL.

Examiner

Samuel A. Gebremariam

Art Unit

2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 21, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 21, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


LYNNE GURLEY
SUPERVISORY PATENT EXAMINER
AU 2811, TC 2800

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-17, 21 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of forming a first metal adjacent the dielectric layer; forming a glue layer on the first metal layer and a lower surface of the glue layer and an interface is formed directly between the first metal layer and a lower surface of the glue layer and an interface is formed directly between the dielectric layer and a lower surface of the glue layer as recited in claims 12 and 21 is unclear as to what it states. In the specification the first metal is defined as layer (208) that is formed above the first glue layer (206). It is not clear how an interface is formed directly between the first metal layer (208) and a lower surface of the glue layer (206).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Tsai et al., US patent No., 6,429,115.

Regarding claim 25, Tsai teaches (figs. 1A-1E) forming a first metal layer (104); forming a glue layer (106) directly on the first metal layer (107), wherein the glue layer is an etch stop layer and includes silicon (layer 106 is formed of silicon carbide); performing an inter-treatment (108) on the glue layer to alter upper and lower surfaces of the glue layer for improved adhesiveness (col. 4, lines 17-18), wherein the inter-treatment includes using plasma (col. 4, lines 24-29); and forming a second metal layer (118) on the upper surface of the glue layer (106).

The limitations of "a method for improving an interface in a semiconductor device" is not given patentable weight because a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Furthermore since Tsai teaches the same claimed process, Tsai's process is inherently capable of improving an interface in a semiconductor device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al., US patent No., 6,913,992 in view of Tsai et al., US patent No. 6,429,115.

Regarding claim 1, Schmitt teaches (figs. 2A-2H) a semiconductor device having a first layer (110) underlying a second layer (126/124), the method comprising: forming a glue layer (114,115) directly on the first layer (110), performing an inter-treatment (col. 12, lines 53-56) on the glue layer (114,115); wherein the inter-treatment affects the upper and lower surfaces of the glue layer and improves an adhesive interface between the glue layer and the first layer (since layer 114,115 is exposed to the plasma treatment the upper and lower surface of 114,115 are affected); and wherein the inter-treatment includes applying plasma and electron beam (col. 10, lines 35-45, in addition to the plasma treatment, Schmitt teaches curing could be done using e-beam); and depositing the second layer (126/124) directly onto the upper surface of the inter-treated glue layer (114,115), wherein the inter-treated glue layer improves the adhesion between the first (110) and the second layers (126/124), wherein the second layer is a metal layer (fig. 2H).

Schmitt does not explicitly teach that the first layer includes a metal layer.

However Tsai teaches a semiconductor device process comprising; forming a first layer (102) underlying a second layer (118) wherein the first layer (102) includes a metal layer (104) in the process of forming a multilevel interconnects with improved surface wetting ability (col. 1, lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the first layer including the metal layer taught by Tsai in the process of Schmitt in order to form a multilevel interconnect with improved surface wetting ability.

The limitations of "a method for increasing a time dependent dielectric breakdown lifetime of a semiconductor device" is not given patentable weight because a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Furthermore since Schmitt as modified by Tsai teach the same claimed process, the modified process is inherently capable of increasing a time dependent dielectric breakdown lifetime of the semiconductor device.

Regarding claim 2, Schmitt teaches substantially the entire claimed process of claim 1 above including performing a pre-treatment (col. 12, lines 40-45) on the first layer (110) before forming the glue layer (114,115).

Regarding claim 3, Schmitt teaches substantially the entire claimed process of claim 1 above including the inter-treatment on the glue layer (114,115) includes applying plasma to the glue layer (col. 12, lines 53-56).

Regarding claim 4, Schmitt teaches the entire claimed process of claim 1 above including selecting a reacting gas, a process time, a process temperature, a process pressure, and a reacting gas flow (refer to col. 9, lines 52-67 and col. 10, lines 1-22).

Regarding claim 6, Schmitt teaches substantially the entire claimed process of claims 1 and 4 above including the selected reacting gas is a helium-based gas (col. 9, lines 52-55).

Regarding claim 7, Schmitt teaches substantially the entire claimed process of claims 1 and 4 above the selected process time is between approximately 1 and 100 seconds (col. 10, lines 10-14), the selected process temperature is between approximately 200 and 400° C (col. 10, lines 8-10), the selected process pressure is between approximately 0.5 and 10 torr (col. 10, lines 4-7), and the selected reacting gas flow is between approximately 100 and 2500 sccm (col. 9, lines 52-55).

Regarding claim 8, Schmitt teaches substantially the entire claimed process of claim 1 above including performing the inter-treatment on the glue layer includes directing an electron beam towards the glue layer (col. 10, lines 46-53).

Regarding claim 9, Schmitt teaches substantially the entire claimed process of claims 1 and 8 above including directing the electron beam towards the glue layer further comprises defining a process power and a dosage (col. 10, lines 46-53).

Regarding claims 10 and 11, Schmitt teaches substantially the entire claimed process of claims 1 and 8 above including that the process power is between approximately 1000 eV and 8000 eV and the dosage is between approximately 50 and 500 $\mu\text{C}/\text{cm}^2$ (col. 10, lines 50-58).

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt in view of Tsai and in further view of Lee et al., US patent No. 6,890,850.

Schmitt as modified by Tsai teaches substantially the entire claimed process of claims 1, 3 and 4 as stated above except explicitly stating the selected reacting gas is a hydrogen-based gas.

Lee teaches (col. 10, lines 1-13) applying plasma to a glue layer (114) where the reacting gas in the plasma treatment is hydrogen based (col. 9, lines 38-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use hydrogen base gas during plasma treatment of the glue as taught by Lee in the process of Schmitt as modified by Tsai in order form barrier layers with satisfactory polishing resistivity for damascene applications (col. 2, lines 40-44).

Response to Arguments

8. Applicant's arguments with respect to claims 1-17, 21 and 24-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

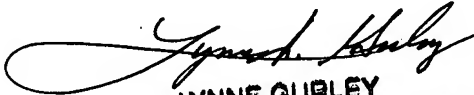
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A. Gebremariam whose telephone number is (571)-272-1653. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on (571) 272-1670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAG
August 31, 2007


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